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Of Attorneys for ICTSI Oregon, Inc.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

**INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION and PACIFIC
MARITIME ASSOCIATION,**

Plaintiffs,

vs.

**ICTSI OREGON, INC., an Oregon
corporation,**

Defendant.

**ICTSI OREGON, INC., an Oregon
corporation,**

Counterclaim Plaintiff,

vs.

**INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION; ILWU LOCAL
8; ILWU LOCAL 40; and PACIFIC
MARITIME ASSOCIATION,**

Counterclaim Defendants.

No. 3:12-cv-01058-SI

**DECLARATION OF JEFFREY S. EDEN IN
SUPPORT OF ICTSI OREGON, INC.'S
MOTIONS *IN LIMINE***

I, Jeffrey S. Eden, attorney for ICTSI Oregon, Inc., make this declaration in support of ICTSI's Motions *in Limine*:

1. I am one of the attorneys representing ICTSI Oregon, Inc. ("ICTSI") in the above-captioned lawsuit.
2. Attached hereto as Exhibit A is a list of previous adjudicated facts extracted from:
 - a. *Local 8 (ILWU III)*, 2015 NLRB LEXIS 729 (N.L.R.B. September 24, 2015);
 - b. *ILWU Local 8 (ILWU IV)*, 2015 NLRB LEXIS 870 (N.L.R.B. Nov. 30, 2015); and
 - c. *Hooks v. ILWU Local 8*, 72 F. Supp. 3d 1168, 1174 (D. Or. 2014).
3. Attached hereto as Exhibit B is a true and correct copy of the Expert Narrative of Dr. William Finlay, dated October 26, 2018.
4. Attached hereto as Exhibit C is a true and correct copy of ILWU Defendants' Response to ICTSI's Third Set of Interrogatories, dated August 27, 2018.
5. Attached hereto as Exhibit D is a true and correct copy of an email from Mike Radak to various parties, dated June 22, 2012.
6. Attached hereto as Exhibit E is a true and correct copy of the Expert Report of Douglas Kidder, dated November 30, 2018.
7. Attached hereto as Exhibit F is a true and correct copy of an article written by Bill Mongelluzzo entitled, "Portland port, ICTSI look to mend ILWU relations to attract carrier," dated February 18, 2015, and available at JOC.com.
8. Exhibit G is omitted.

9. Attached hereto as Exhibit H is a true and correct copy of excerpts of the deposition transcript of Elvis Ganda, taken in this matter on October 25, 2018.

10. Attached hereto as Exhibit I is a true and correct copy of the Coast Longshore Division Caucus Summarized Minutes dated June 12, 2012.

11. Attached hereto as Exhibit J is a true and correct copy of the Coast Longshore Division Caucus Summarized Minutes dated April 1, 2015.

12. Attached hereto as Exhibit K is a true and correct copy of ICTSI's Second Set of Interrogatories to ILWU Defendants, dated April 26, 2018.

13. Attached hereto as Exhibit L is a true and correct copy of ILWU Defendants' Third Supplemental Response to ICTSI's Second Set of Interrogatories, dated January 29, 2019.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF OREGON THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

Dated this 1st day of February, 2019.

SCHWABE, WILLIAMSON & WYATT, P.C.

By: s/ Jeffrey S. Eden

Jeffrey S. Eden, OSB #851903

Of Attorneys for ICTSI Oregon, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of February, 2019, I served the foregoing

DECLARATION OF JEFFREY S. EDEN IN SUPPORT OF ICTSI OREGON, INC.'S

MOTION *IN LIMINE* on:

<p>Robert H. Lavitt SCHWERIN, CAMPBELL, BARNARD, IGLITZIN & LAVITT LLP 18 W. Mercer Street, Suite 400 Seattle, WA 98119-3871 Telephone: (206) 257-6004 Facsimile: (206) 257-6039 Email: lavitt@workerlaw.com</p> <p align="center"><i>Attorney for Plaintiff and Counter-Defendants ILWU and ILWU Locals 8 and 40</i></p>	<p><input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Courier <input type="checkbox"/> Email <input checked="" type="checkbox"/> Electronically via USDC CM/ECF system</p>
<p>Amy Endo (admitted <i>pro hac vice</i>) Eleanor I. Morton (admitted <i>pro hac vice</i>) Emily Maglio (admitted <i>pro hac vice</i>) LEONARD CARDER, LLP 1188 Franklin Street, Suite 201 San Francisco, CA 94109 Telephone: (415) 771-6400 Facsimile: (415) 771-7010 Email: aendo@leonardcarder.com emorton@leonardcarder.cm emaglio@leonardcarder.com</p> <p align="center"><i>Attorneys for Plaintiff and Counter-Defendants ILWU and ILWU Locals 8 and 40</i></p>	<p><input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Courier <input type="checkbox"/> Email <input checked="" type="checkbox"/> Electronically via USDC CM/ECF system</p>

<p>Robert S. Remar (admitted <i>pro hac vice</i>) LAW OFFICES OF ROBERT REMAR 1188 Franklin Street, 4th Floor San Francisco, CA 94109 Telephone: (510) 499-1570 Facsimile: (415) 775-1302 Email: rremar@remarlaw.com</p> <p><i>Attorney for Plaintiff and Counter-Defendants ILWU and ILWU Locals 8 and 40</i></p>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Courier <input type="checkbox"/> Email <input checked="" type="checkbox"/> Electronically via USDC CM/ECF system
<p>Susan J. Harriman (admitted <i>pro hac vice</i>) Daniel Purcell (admitted <i>pro hac vice</i>) Brook Dooley (admitted <i>pro hac vice</i>) Maya Karwande (admitted <i>pro hac vice</i>) Philip J. Tassen (admitted <i>pro hac vice</i>) KEKER, VAN NEST & PETERS, LLP 633 Battery Street San Francisco, CA 94111-1809 Telephone: (415) 391-5400 Facsimile: (415) 397-7188 Email: sharriman@keker.com dpurcell@keker.com bdooley@keker.com mkarwande@keker.com ptassin@keker.com</p> <p><i>Attorneys for Plaintiff and Counter-Defendants ILWU and ILWU Locals 8 and 40</i></p>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Courier <input type="checkbox"/> Email <input checked="" type="checkbox"/> Electronically via USDC CM/ECF system
<p>Philip C. Monrad (admitted <i>pro hac vice</i>) LEONARD CARDER, LLP 1330 Broadway, Suite 1450 Oakland, CA 94612 Telephone: (510) 272-0169 Facsimile: (510) 272-0174 Email: pmonrad@leonardcarder.com</p> <p><i>Attorney for Plaintiff and Counter-Defendant ILWU</i></p>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Courier <input type="checkbox"/> Email <input checked="" type="checkbox"/> Electronically via USDC CM/ECF system

<p>Peter Hurtgen (admitted <i>pro hac vice</i>) CURLEY, HURTGEN & JOHNSRUD, LLP 4400 Bohannon Drive, Suite 230 Menlo Park, CA 94025 Telephone: (949) 302-9193 Facsimile: (650) 323-1002 Email: phurtgen@chjllp.com</p> <p><i>Of Attorney for Defendant ICTSI Oregon, Inc.</i></p>	<p><input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Courier <input type="checkbox"/> Email <input checked="" type="checkbox"/> Electronically via USDC CM/ECF system</p>
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s/ Jeffrey S. Eden

Jeffrey S. Eden, OSB #851903